



Stuart J. Wells | Counsel

7 Times Square, Suite 2900 | New York, NY 10036-6524
Direct 212.631.1255 | Fax 212.631.4434
wellss@whiteandwilliams.com | whiteandwilliams.com

April 30, 2018

Via ECF and E-Mail

Hon. Analisa Torres, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15D
New York, New York 10007

RE: *McNider Marine LLC, et. al. v. Yellowstone Capital, LLC, et. al.*
Docket Number 17-cv-10225 (AT) Initial Conference

Dear Judge Torres:

We are counsel for Plaintiffs in the above-captioned matter and respectfully write to advise Your Honor that earlier today, we filed the attached pre-answer Notice of Voluntary Dismissal [Docket No. 32] and, pursuant to Rule 18.3 of the SDNY Electronic Case Filing Rules and Instructions, we emailed a copy to the Orders and Judgments Clerk. As the Court may be aware, Defendants sought to file motions to dismiss the complaint in this action on various grounds including application of the *Rooker-Feldman* doctrine in light of a Judgment by Confession filed by Defendant Yellowstone Capital LLC in the Supreme Court for the State of New York, County of Erie. For a number of reasons, the Plaintiffs dispute application of the doctrine in this case, but, nonetheless, we have commenced an action in Erie County seeking, among other relief, vacatur of the Judgment.

Accordingly, we filed the Notice of Voluntary Dismissal, which we respectfully submit moots the need for going forward with the initial conference on Wednesday, May 2, 2018.

We thank the Court for its time and consideration.

Respectfully submitted,

WHITE AND WILLIAMS LLP

A handwritten signature in blue ink that reads "Stuart J. Wells".

Stuart J. Wells

cc: Christopher Murray, Esq. (via ECF)

Gabriel Mendelberg, Esq. (via ECF)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MCNIDER MARINE, LLC and JOHN BRUCE
MCNIDER,

Plaintiffs,

v.

YELLOWSTONE CAPITAL, LLC, YITZHAK
STERN, and MCA RECOVERY, LLC,

Defendants.

DOCKET NO.: 17-CV-10225 (AT)

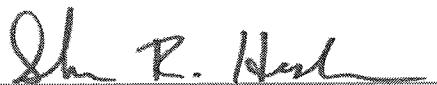
**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE AS TO
DEFENDANTS YELLOWSTONE
CAPITAL, LLC, YITZHAK STERN
AND MCA RECOVERY, LLC**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs McNider Marine, LLC and John Bruce McNider, through their undersigned counsel, hereby give notice that the above-captioned action is voluntarily dismissed without prejudice as against Defendants Yellowstone Capital, LLC, Yitzhak Stern and MCA Recovery, LLC.

Dated: April 30, 2018

Respectfully submitted,

WHITE AND WILLIAMS LLP

By: 

Shane R. Heskin (#9984)
7 Times Square, Suite 2900
New York, NY 10036-6524
(212) 864-6329
heskins@whiteandwilliams.com

*Attorneys for Plaintiffs McNider Marine, LLC
and John Bruce McNider*